
SECOND ENGROSSED SENATE BILL 6004

State of Washington 52nd Legislature 1991 1st Special Session

By Senator Hayner.

Read first time June 25, 1991.

1 AN ACT Relating to compacts negotiated under the Indian Gaming
2 Regulatory Act of 1988; amending RCW 43.06.010; and adding a new
3 section to chapter 9.46 RCW; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 43.06.010 and 1991 c 257 s 22 are each amended to read
6 as follows:

7 In addition to those prescribed by the Constitution, the governor
8 may exercise the powers and perform the duties prescribed in this and
9 the following sections:

10 (1) The governor shall supervise the conduct of all executive and
11 ministerial offices;

12 (2) The governor shall see that all offices are filled, and the
13 duties thereof performed, or in default thereof, apply such remedy as
14 the law allows; and if the remedy is imperfect, acquaint the
15 legislature therewith at its next session;

1 (3) The governor shall make the appointments and supply the
2 vacancies mentioned in this title;

3 (4) The governor is the sole official organ of communication
4 between the government of this state and the government of any other
5 state or territory, or of the United States;

6 (5) Whenever any suit or legal proceeding is pending against this
7 state, or which may affect the title of this state to any property, or
8 which may result in any claim against the state, the governor may
9 direct the attorney general to appear on behalf of the state, and
10 report the same to the governor, or to any grand jury designated by the
11 governor, or to the legislature when next in session;

12 (6) The governor may require the attorney general or any
13 prosecuting attorney to inquire into the affairs or management of any
14 corporation existing under the laws of this state, or doing business in
15 this state, and report the same to the governor, or to any grand jury
16 designated by the governor, or to the legislature when next in session;

17 (7) The governor may require the attorney general to aid any
18 prosecuting attorney in the discharge of his duties;

19 (8) The governor may offer rewards, not exceeding one thousand
20 dollars in each case, payable out of the state treasury, for
21 information leading to the apprehension of any person convicted of a
22 felony who has escaped from a state correctional institution or for
23 information leading to the arrest of any person who has committed or is
24 charged with the commission of a felony;

25 (9) The governor shall perform such duties respecting fugitives
26 from justice as are prescribed by law;

27 (10) The governor shall issue and transmit election proclamations
28 as prescribed by law;

29 (11) The governor may require any officer or board to make, upon
30 demand, special reports to the governor, in writing;

1 (12) The governor may, after finding that a public disorder,
2 disaster, energy emergency, or riot exists within this state or any
3 part thereof which affects life, health, property, or the public peace,
4 proclaim a state of emergency in the area affected, and the powers
5 granted the governor during a state of emergency shall be effective
6 only within the area described in the proclamation;

7 (13) The governor shall, when appropriate, submit to the select
8 joint committee created by RCW 43.131.120, lists of state agencies, as
9 defined by RCW 43.131.030, which agencies might appropriately be
10 scheduled for termination by a bill proposed by the select joint
11 committee;

12 (14) The governor may, after finding that there exists within this
13 state an imminent danger of infestation of plant pests as defined in
14 RCW 17.24.007 or plant diseases which seriously endangers the
15 agricultural or horticultural industries of the state of Washington, or
16 which seriously threatens life, health, or economic well-being, order
17 emergency measures to prevent or abate the infestation or disease
18 situation, which measures, after thorough evaluation of all other
19 alternatives, may include the aerial application of pesticides;

20 (15) On all compacts forwarded to the governor pursuant to section
21 2(6) of this act, the governor is authorized and empowered to execute
22 on behalf of the state compacts with federally recognized Indian tribes
23 in the state of Washington pursuant to the federal Indian Gaming
24 Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III
25 gaming, as defined in the Act, on Indian lands.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.46 RCW
27 to read as follows:

28 (1) The negotiation process for compacts with federally recognized
29 Indian tribes for conducting class III gaming, as defined in the Indian

1 Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., on federal Indian
2 lands is governed by this section.

3 (2) The gambling commission through the director or the director's
4 designee shall negotiate compacts for class III gaming on behalf of the
5 state with federally recognized Indian tribes in the state of
6 Washington.

7 (3) When a tentative agreement with an Indian tribe on a proposed
8 compact is reached, the director shall immediately transmit a copy of
9 the proposed compact to all voting and ex officio members of the
10 gambling commission and to the standing committees designated pursuant
11 to subsection (5) of this section.

12 (4) Notwithstanding RCW 9.46.040, the four ex officio members of
13 the gambling commission shall be deemed voting members of the gambling
14 commission for the sole purpose of voting on proposed compacts
15 submitted under this section.

16 (5) Within thirty days after receiving a proposed compact from the
17 director, one standing committee from each house of the legislature
18 shall hold a public hearing on the proposed compact and forward its
19 respective comments to the gambling commission. The president of the
20 senate shall designate the senate standing committee that is to carry
21 out the duties of this section, and the speaker of the house of
22 representatives shall designate the house standing committee that is to
23 carry out the duties of this section. The designated committees shall
24 continue to perform under this section until the president of the
25 senate or the speaker of the house of representatives, as the case may
26 be, designates a different standing committee.

27 (6) The gambling commission may hold public hearings on the
28 proposed compact any time after receiving a copy of the compact from
29 the director. Within forty-five days after receiving the proposed
30 compact from the director, the gambling commission, including the four

1 ex officio members, shall vote on whether to return the proposed
2 compact to the director with instructions for further negotiation or to
3 forward the proposed compact to the governor for review and final
4 execution.

5 (7) Notwithstanding provisions in this section to the contrary, if
6 the director forwards a proposed compact to the gambling commission and
7 the designated standing committees within ten days before the beginning
8 of a regular session of the legislature, or during a regular or special
9 session of the legislature, the thirty-day time limit set forth in
10 subsection (5) of this section and the forty-five day limit set forth
11 in subsection (6) of this section are each forty-five days and sixty
12 days, respectively.

13 (8) Funding for the negotiation process under this section must
14 come from the gambling revolving fund.

15 (9) In addition to the powers granted under this chapter, the
16 commission, consistent with the terms of any compact, is authorized and
17 empowered to enforce the provisions of any compact between a federally
18 recognized Indian tribe and the state of Washington.

19 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and shall take
22 effect immediately.

23 NEW SECTION. **Sec. 4.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.